

1 UNITED STATES BANKRUPTCY COURT  
2 EASTERN DISTRICT OF NEW YORK

3 MAN KIT NG . Case No. 11-46867  
4 . Adversary Case 12-01343  
5 .  
6 . New York, New York  
7 . Tuesday, February 12, 2013  
8 . 12:13 p.m.  
9 .  
10 . . . . .  
11 .

12 BEFORE THE HONORABLE JUDGE CARLA CRAIG  
13 UNITED STATES BANKRUPTCY JUDGE

14 [1] COMPLAINT BY ROBERT L. GELTZER AGAINST MAN KIT NG -  
15 NATURE(S) OF SUIT [41] OBJECTION/REVOCATION OF DISCHARGE - 727  
16 (c), (d), (e) [3] MOTION TO DISMISS ADVERSARY PROCEEDING (RELATED  
17 DOCUMENTS (S))

18 APPEARANCES:

19 For Chapter 7 Trustee: LAW OFFICE OF ROBERT L. GELTZER  
20 BY: MARK BRUSH  
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23 For Man Kit: DAHIYA LAW GROUP, LLC  
24 BY: NAUPREET KAUR  
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1 THE COURT CLERK: Number Eighteen and  
2 Nineteen, Geltzer versus Ng.

3 THE COURT: Yes. Uh-huh. Eighteen and  
4 Nineteen?

5 MR. BRUH: Good afternoon, your Honor.  
6 Mark Bruh for Robert Geltzer, Chapter 7  
7 Trustee.

8 THE COURT: Uh-huh.

9 MS. KAUR: Good afternoon, your Honor.  
10 I'm Napreet Kaur. I'm here on behalf of Mr.  
11 Attorney Karam Vir Dahiya for Mr. Man Kit.

12 Your Honor, if -- before we -- I'm not  
13 admitted here, so I'm just here to say that  
14 Mr. Dahiya's actually in Central Islip in a  
15 criminal contempt case in front of Judge  
16 Eisenberg and this happened fairly -- within  
17 the last two days and we tried to get an  
18 adjournment of the other case, but it was not  
19 granted.

20 THE COURT: Who's -- who -- well, who's  
21 being held in criminal contempt?

22 MS. KAUR: One of his clients. It's  
23 Pergamen (phonetic) versus English.

24 THE COURT: Uh-huh. All right. Do you  
25 have anything you want to say, Mr. Bruh?

1 MR. BRUH: Your Honor --.

2 THE COURT: It's unclear to me my -- to  
3 me why Mr. Dahiya couldn't seek an adjournment  
4 within the time that's required, pursuant to  
5 our local rules; why he called yesterday.

6 MS. KAUR: Your Honor, I was told that  
7 he -- he tried to get an adjournment for the  
8 other case in Central Islip and at the last  
9 minute it wasn't granted.

10 And this is why he couldn't -- he wasn't  
11 -- he was -- he was planning on being here  
12 instead.

13 MR. BRUH: Your Honor, my comment is  
14 just that it's my understanding he knew about  
15 this last week. He could have adjourned this  
16 matter. I had to come down here. It's going  
17 to cost the estate time and money. And we --  
18 we are just doing what we're supposed to do,  
19 your Honor.

20 THE COURT: Right. So, I guess I'll  
21 grant this adjournment, subject to Mr. -- the  
22 Trustee's right to seek attorney's fees for  
23 this.

24 MR. BRUH: Thank you, Judge.

25 THE COURT: But in terms of just this --

1 cutting to the chase here, what -- the way I  
2 plan to handle this is we're going to set up a  
3 discovery -- a schedule for the Debtor to  
4 provide documentation. That's what we're  
5 going to do. We're not getting involved in,  
6 you know, back and forth between you and Mr.  
7 Dahiya.

8 MR. BRUH: I -- I'm -- I'm fine with  
9 that, your Honor. I --

10 THE COURT: Okay.

11 MR. BRUH: -- we have -- I have a  
12 schedule prepared from the 2004 --

13 THE COURT: Okay.

14 MR. BRUH: -- and --.

15 THE COURT: So I'll put this on for the  
16 -- the 21st of February, shall I? And it's --  
17 it's also unclear to me why it is that he  
18 doesn't show up at -- he doesn't get an  
19 adjournment and doesn't show up. There're two  
20 -- he's got two hearings scheduled. He  
21 doesn't adjourn -- get adjournments for -- of  
22 either one of them timely. And -- but he  
23 chooses to not show up at my hearing. Why is  
24 that?

25 MS. KAUR: I apologize on his behalf.

1 Your Honor, the 21st -- and we -- he's  
2 actually going to be in California for another  
3 case.

4 THE COURT: Here's what -- here's what  
5 I'm doing. I'm denying the request for  
6 adjournment. I'm marking this off. I'm  
7 marking off this motion.

8 MR. BRUH: Thank you, your Honor.

9 THE COURT: Miss -- your request for  
10 adjournment -- the adjournment was requested.  
11 Request was denied. Did he -- he could have  
12 made it timely. He didn't. He chose not to  
13 show up at this hearing.

14 I'm being told by my courtroom dep -- by  
15 my law clerk here, by Mrs. Cantor, that the  
16 docket in the case before Judge Eisenberg  
17 reflects that the case is closed.

18 I don't know whether that's relevant or  
19 not, but the point of the matter is that Mr.  
20 Dahiya, yet again -- yet again -- has behaved  
21 and -- with utter disregard of the rules of  
22 this -- of the -- of the Court -- of this --  
23 of this Court and the way that we conduct  
24 proceedings, which require if you're seeking  
25 an adjournment to do it within two days. And

1 did -- Mr. Bruh, did he request an adjournment  
2 from you?

3 MR. BRUH: Yesterday someone called from  
4 his office in the afternoon and I said --.

5 THE COURT: Okay. So that is not --  
6 here we have -- we have a rule that  
7 adjournments have to be requested forty-eight  
8 hours in advance. Not -- not such a -- not  
9 such a -- a burdensome -- burdensome rule.

10 So if -- if Mr. Dahiya had requested an  
11 adjournment Friday and Mr. Bruh had said no,  
12 then I could have had some kind of telephonic  
13 hearing and I could have -- or I could have  
14 ruled upon the request for an adjournment.  
15 But you can't show up in court and request an  
16 adjournment. I'm marking this off.

17 MS. KAUR: Your Honor --.

18 THE COURT: And then -- then -- then I'm  
19 finding -- trying to give you the courtesy of  
20 a -- maybe an adjournment. And then, well, he  
21 can't appear this time. You know, I -- I, you  
22 know, sorry. I'm sorry.

23 MS. KAUR: Your Honor, if I may?

24 THE COURT: Marked off.

25 MS. KAUR: I -- I can call and see --

1 he'll -- he'll do whatever he can. I'm just  
2 --.

3 THE COURT: Are you prepared to go  
4 forward on this motion?

5 MS. KAUR: Can I just make a phone call  
6 and just double check, your Honor?

7 THE COURT: Okay. Second call.

8 MS. KAUR: Okay. I'll be right back.

9 MR. BRUH: Your Honor, you're not  
10 admitted, right?

11 MS. KAUR: No, I'm -- that's what I'm  
12 saying. I'm not --

13 THE COURT: Oh, so you can't go forward  
14 on this anyway.

15 MS. KAUR: -- no, I can't. I can't.  
16 And if I can make a phone call to see if he  
17 can reschedule the California case, because we  
18 really don't want, you know --.

19 THE COURT: Okay. I'll put it on for  
20 second call.

21 MR. BRUH: Okay. Thank you, Judge.

22 THE COURT: Okay, Counsel. What you  
23 need to be asking Mr. Dahiya is whether he can  
24 get himself here.

25 MS. KAUR: Okay, I will.

1 THE COURT: Today.

2 MS. KAUR: Okay.

3 (Off the record)

4 THE COURT CLERK: Second call to Number  
5 Eighteen and Nineteen, Geltzer versus Man Kit.

6 MR. BRUH: For the record, your Honor,  
7 Mark Bruh for Robert Geltzer, Chapter 7  
8 Trustee.

9 MR. DAHIYA: Karam Dahiya representing  
10 Man Kit NG.

11 THE COURT: All right. The way I would  
12 propose to resolve -- to approach this is by  
13 setting a schedule for your -- your client to  
14 comply with the Trustee's discovery request  
15 and to appear for a deposition. The extent  
16 your client needs a -- an interpreter, you can  
17 -- I -- I think you can -- they can do it here  
18 and use the court interpreter.

19 Am I right? Can we do that?

20 THE COURT CLERK: I have to check into  
21 that. I'm not sure about the depositions. I  
22 know they do hearings. I'm not sure how they  
23 would do the deposition.

24 THE COURT: Well, they'd probably have  
25 to pay for the service, I would think.



1 THE COURT CLERK: I think -- I'll  
2 definitely have to check.

3 THE COURT: Okay. Well, we can -- we  
4 think that can be -- I'm sure that can be  
5 worked out.

6 MR. BRUH: Your Honor --

7 MR. DAHIYA: That's -- that's fine.

8 MR. BRUH: -- if I may? Where Debtor  
9 testified for ten minutes in English and then  
10 all of a sudden --

11 MR. DAHIYA: That's not true. That's  
12 not true. I was there for both the meetings.

13 THE COURT: Okay. Presumably, there is  
14 a transcript of this --

15 MR. BRUH: Yes.

16 THE COURT: -- so that I don't have to  
17 sit here and listen to you say one thing and  
18 you say something else, okay. So how about --  
19 have -- if you -- if you want -- is -- is  
20 there a transcript attached to this?

21 MR. BRUH: We'll provide it. I will  
22 give the audio. I can e-mail it. I've  
23 listened to it at least three times. It was  
24 over ten minutes. And he testified the whole  
25 time in English.

1 MR. DAHIYA: What it --?

2 MR. BRUH: Absolutely.

3 MR. DAHIYA: Three forty-one?

4 MR. BRUH: Yes. Abso -- and you were  
5 there, Mr. Dahiya.

6 MR. DAHIYA: The -- the -- the -- your  
7 Honor --.

8 THE COURT: Okay. I don't -- I am not  
9 interested --

10 MR. DAHIYA: Okay.

11 THE COURT: -- in having this discussion  
12 with you, okay. Let's set a -- let's set a  
13 schedule for your client to comply with these  
14 -- with these discovery requests. What --  
15 what do you need, Mr. Bruh, from the Debtor?

16 MR. BRUH: It -- it -- it's set out in  
17 the complaint, your Honor.

18 MR. DAHIYA: We -- we've given  
19 everything.

20 THE COURT: Let's -- let's be -- let's  
21 -- let's just specify right now, on the  
22 record, what it is you need.

23 MR. BRUH: Okay. Well, first of all,  
24 his personal tax returns from 2005 to 2010  
25 have not been produced.

1 THE COURT: Okay. We're going one item  
2 at a time.

3 MR. BRUH: Okay.

4 THE COURT: Tax returns from 2000 and --  
5 2000 --

6 MR. BRUH: 2005 to 2010.

7 THE COURT: -- 2005 to 2010.

8 MR. BRUH: We have the 2011.

9 MR. DAHIYA: You have 2011?

10 MR. BRUH: Bank statements have not been  
11 produced.

12 THE COURT: No bank statements at all?

13 MR. BRUH: That's correct.

14 THE COURT: Okay. Bank statements for  
15 what period?

16 MR. BRUH: We'd asked for six years. We  
17 haven't gotten one statement.

18 THE COURT: Okay.

19 MR. BRUH: These are personal. We're --  
20 and then I will address it. The -- the way  
21 bank statements are done in normal courts, you  
22 get copies of the canceled checks. We'd ask  
23 for those. I hope they could be provided.

24 MR. DAHIYA: These are personal account?

25 MR. BRUH: Yes. And then the --

1 MR. DAHIYA: Your Honor, just briefly, I  
2 want to say something. Client has, with  
3 folded hands, said it many times in my office,  
4 I have given him whatever I have. I've  
5 nothing else to give them.

6 THE COURT: Okay.

7 MR. DAHIYA: Why can't they subpoena the  
8 records?

9 THE COURT: Well, so the thing is --

10 MR. DAHIYA: Yes.

11 THE COURT: -- then -- then what we're  
12 going to do is go over the list --

13 MR. DAHIYA: Yes, your Honor.

14 THE COURT: -- and I guess that -- that  
15 your -- that his client will have to serve a  
16 -- a response to your -- to the -- to either  
17 produce the documents or reserve a -- a  
18 document request -- a response saying that the  
19 documents that he has -- that are requested,  
20 are not within his possession, custody or  
21 control. And then you -- I mean, that seems  
22 to me that satisfies his obligation under the  
23 subpoena, right? Under the -- under the Rule  
24 2004.

25 MR. BRUH: I -- I -- I think to get his

1 tax returns he can easily get those. How he  
2 could raise that they're not in his  
3 possession, custody or control --

4 MR. DAHIYA: But he's --

5 MR. BRUH: -- is beyond me.

6 THE COURT: Maybe he didn't file tax  
7 returns for those periods. I don't know.

8 MR. BRUH: Well, he filed the previous  
9 bankruptcy and produced certain of those  
10 returns to the prior Trustee and to now hide  
11 behind the fact that the --.

12 THE COURT: Well, copies of those  
13 returns can be obtained from the -- from --  
14 from the -- from --

15 MR. DAHIYA: The transcripts, yeah.  
16 That's right.

17 THE COURT: -- well, not just the  
18 transcripts. The returns themselves. You can  
19 get a copy of your own tax return from -- from  
20 the I.R.S.

21 MR. DAHIYA: I'll -- I'll -- I'll check  
22 into it, your Honor.

23 MR. BRUH: Because there's a -- a  
24 discrepancy in Schedule I in the tax returns  
25 and we -- and the statement of financial

1                   affairs. We'd like to get to the bottom of  
2                   that. We haven't received --.

3                   THE COURT: Hasn't this Debtor already  
4                   received a discharge?

5                   MR. BRUH: This Debtor did.

6                   MR. DAHIYA: Yes.

7                   MR. BRUH: There was significant delay  
8                   in this case, your Honor, as we put in our  
9                   papers. It was six months before he finally  
10                  appeared at a 341 meeting.

11                  And we did not get any compliance with  
12                  our 2004 until they appeared and then hid  
13                  behind this language barrier, which is clearly  
14                  a fabrication. Because I -- like I said, I  
15                  listened to the tapes. I'll provide copies.  
16                  They're on my computer.

17                  MR. DAHIYA: What -- when can I bring  
18                  him to this Court next to appear, your Honor?

19                  THE COURT: I don't -- I'm not  
20                  interested -- I am not interested in getting  
21                  involved in this. If there's -- if an  
22                  interpreter is needed, we'll fig -- you have  
23                  to figure out --

24                  MR. BRUH: Okay.

25                  THE COURT: -- how you're going to get

1 an interpreter.

2 MR. DAHIYA: But the tax returns?

3 THE COURT: Okay. In fact, does the  
4 Debtor have any -- anybody that -- that he can  
5 provide as an interpreter?

6 MR. DAHIYA: Yes, his sister is there.  
7 She's better --.

8 THE COURT: Okay. Well then that might  
9 be a solution.

10 MR. DAHIYA: Oh, we -- we'll get someone  
11 there. Do you want to schedule -- get  
12 somebody?

13 MR. BRUH: You can. We haven't received  
14 any credit card statements.

15 MR. DAHIYA: He doesn't have -- that  
16 would --.

17 MR. BRUH: Okay. Well, if he -- then  
18 how did you fill out the petition?

19 MR. DAHIYA: From credit history.  
20 Anyway, I didn't do the --.

21 MR. BRUH: So provide it. You -- but  
22 you filed the case.

23 MR. DAHIYA: No, I don't -- the -- the  
24 case was filed by someone else.

25 MR. BRUH: Mr. Dahiya, you're the

1 attorney of record from day one.

2 MR. DAHIYA: I understand. It's a  
3 credit card --.

4 MR. BRUH: And you're saying you didn't  
5 file the case?

6 MR. DAHIYA: I have filed the case  
7 before. The case was filed by someone else as  
8 13. So we took it from there -- most of the  
9 stuff.

10 MR. BRUH: So, it's inaccurate, the  
11 petition. So -- I mean, this is raising more  
12 questions, Judge, because is it that period?  
13 All right.

14 THE COURT: So, Mr. -- Mr. -- Mr. Bruh,  
15 the fact the Debtor has gotten a discharge,  
16 how are you going to -- these might have been  
17 bases for you to object to discharge. But how  
18 are you going to --?

19 MR. BRUH: Well, under -- under 727 I --  
20 I can object within one year of obtaining the  
21 discharge under certain prongs which we did  
22 and set forth in our complaint.

23 THE COURT: Well, that's if he fails to  
24 provide documents. But if he -- to you --  
25 that -- or he fails to provide -- fails to --



1                   excuse me -- abide by an order of the Court.

2                   MR. BRUH: Well, which we -- one, we  
3                   believe he failed --.

4                   THE COURT: If he simply doesn't have  
5                   the documents, then -- then that might have  
6                   been a ground to object to discharge. But  
7                   it's not a ground to revoke the discharge.

8                   MR. DAHIYA: That's true. I say that's  
9                   going to --.

10                  MR. BRUH: Well, if he -- well, we'll --  
11                  we'll go through that, Judge. I mean, the  
12                  fact of the matter is also he refused to  
13                  testify at the -- the Bankruptcy Rule 2004  
14                  examination.

15                  MR. DAHIYA: That's what they're saying.  
16                  That we -- he disobeyed your Honor's court --.

17                  THE COURT: Well, I -- I think we --  
18                  we're going to set -- we're going to arrange  
19                  for him to testify --

20                  MR. BRUH: Okay.

21                  THE COURT: -- with -- with -- through  
22                  an interpreter, if need be, if that's what he  
23                  needs.

24                  MR. BRUH: Well, and -- and -- and if  
25                  that's the case, your Honor, then he would

1 satisfy 727 d because we believe the discharge  
2 was obtained through fraud of the Debtor to  
3 testify in English. And then subsequently,  
4 unbeknownst to the Trustee and counsel, he  
5 hides behind this language barrier --.

6 THE COURT: Well, how did he -- how did  
7 that enable him to get a discharge?

8 MR. BRUH: Because he -- because he  
9 wouldn't comply or explain his financial  
10 condition to us when we wanted. We couldn't  
11 --.

12 THE COURT: That's -- that's not fraud.

13 MR. BRUH: Well, I --

14 THE COURT: You --

15 MR. BRUH: -- the fraud --.

16 THE COURT: -- could have sought an  
17 extension of time to object to discharge.

18 MR. BRUH: Well, I -- I -- I -- I --.

19 THE COURT: Where's the fraud?

20 MR. BRUH: The fraud is hiding behind  
21 the language barrier -- to say he can't  
22 testify when he can speak English.

23 THE COURT: Well, he didn't -- he didn't  
24 say he wouldn't testify. He said he would and  
25 he wanted an interpreter.

1 MR. BRUH: But he testified for ten  
2 minutes without one.

3 MR. DAHIYA: That was not ten minutes.

4 THE COURT: So I don't know -- I'm not  
5 seeing how that is a -- a basis for revoking a  
6 discharge.

7 MR. BRUH: Okay. I -- I -- I -- I think  
8 it's fraud, your Honor. I think that's  
9 obtaining it --.

10 THE COURT: The fraud -- fraud is a  
11 misrepresentation that is made -- that is  
12 relied upon and is then -- is -- is the -- to  
13 detrimentally and causes damage, okay.

14 Misrepresentation was you're saying that  
15 he couldn't speak English. And how did the  
16 Trustee rely on that?

17 MR. BRUH: No, the misrepresentation  
18 you're say -- right. So we couldn't do our  
19 examination.

20 THE COURT: Well, how did the Trustee  
21 rely -- if -- if the Trust -- if he said he  
22 couldn't speak English, why didn't you get --  
23 why didn't you either get an interpreter or  
24 move for an extension of time to object to  
25 discharge?

1 MR. BRUH: Because --

2 THE COURT: It's hard to see how this is

3 --

4 MR. BRUH: -- because --

5 THE COURT: -- a misrepresentation that  
6 led to him getting the discharge.

7 MR. BRUH: -- because we didn't --  
8 because he testified in English at the 341.

9 THE COURT: Well, but that may be --  
10 that may be the case. But he says -- he says  
11 he can't speak English. How did that lead to  
12 him getting a discharge? What led to him  
13 getting a discharge was you not moving to  
14 extend his time -- to extend the time to  
15 object to his discharge.

16 MR. BRUH: Well, I -- I -- I disagree.  
17 I think it's fraud when -- when we have an  
18 order of the Court to testify and all of a  
19 sudden someone says I can't speak English.

20 THE COURT: That's not fraud.

21 MR. BRUH: Don't get involved but I  
22 disagree with the Court.

23 THE COURT: Well, you're going to have  
24 to -- we're going have to see whether it --  
25 maybe there'll be case -- maybe there's case

1 law that indicates that that's fraud --

2 MR. BRUH: Okay.

3 THE COURT: -- but I -- I -- I don't see  
4 how -- don't see the causal connection between  
5 that misrepresentation, if there was one, and  
6 the fact that he got a discharge.

7 MR. BRUH: Okay.

8 THE COURT: Because the Trustee always  
9 can -- if he -- if the Trustee feels he does  
10 not have sufficient information to make a  
11 determination about whether Debtor's entitled  
12 to a discharge, they're always --

13 MR. BRUH: Terminate.

14 THE COURT: -- free to seek an extension  
15 of time.

16 MR. BRUH: That's correct, your Honor.  
17 I -- and also I -- I point out that the second  
18 prong was that failing to comply with the  
19 order. Failing to provide the docu --  
20 refusing to -- to comply with the order, not  
21 producing the documents and not testifying.

22 THE COURT: Well, I guess the question  
23 is whether he received the --

24 MR. BRUH: Well, in --.

25 THE COURT: -- whether he has the

1 documents.

2 MR. BRUH: Well, yeah. And -- and --  
3 and the fact that he says I'm not going to  
4 testify now. All we want is the documents and  
5 the Debtor to testify. And then we'll see if  
6 there's anything here or not. And you --  
7 they're making a lot out of nothing here --

8 THE COURT: Okay. All right.

9 MR. BRUH: -- your Honor.

10 THE COURT: Okay. Then it -- what's the  
11 best way to do this? Do you want a written  
12 response to your document request by a  
13 particular time?

14 MR. BRUH: Well, I -- the Debt -- we had  
15 -- the complaint has a whole schedule of the  
16 documents. So I -- I -- I think you -- it's  
17 not necessary to submit it again. I would  
18 think they should try to produce all these  
19 documents. If they can't, there should be a  
20 reason as to why the documents were not  
21 produced.

22 THE COURT: Okay, so --

23 MR. DAHIYA: I will --

24 THE COURT: -- so what did --

25 MR. DAHIYA: -- I will --.

1 THE COURT: -- what type of -- what type  
2 of response are you looking for?

3 I'm asking you, Mr. Bruh.

4 MR. BRUH: If they -- if they're not  
5 supplying the documents or if the -- or if the  
6 -- I -- the documents is the response I want.

7 If they're not coming, I want an  
8 affidavit as to the efforts --

9 THE COURT: Okay --

10 MR. BRUH: -- that the Debtor undertook  
11 --

12 THE COURT: -- okay.

13 MR. BRUH: -- to get those documents.

14 THE COURT: Okay. So I'm going to set a  
15 deadline, then, for the Debtor to provide the  
16 documents that are set out in the -- was it a  
17 schedule to the complaint?

18 MR. BRUH: It's -- it's actually in the  
19 complaint --

20 THE COURT: Okay.

21 MR. BRUH: -- on page four.

22 THE COURT: That are -- that are  
23 specified in page four of the complaint or and  
24 either -- is to provide the documents or --  
25 and -- and/or if -- if they are not -- if each

1 and every piece of paper is not fully com --  
2 fully provided, they need -- then the Debtor  
3 needs to provide an affidavit explaining why  
4 he was not able to produce it and what his  
5 efforts were to obtain the documents. And  
6 with respect to the tax returns, let him  
7 request them from the I.R.S.

8 MR. BRUH: And --

9 MR. DAHIYA: That's fine.

10 MR. BRUH: -- and I think the bank  
11 statements -- he can get those from the bank,  
12 as well, your Honor.

13 MR. DAHIYA: I -- I think -- I think I'm  
14 going to go back, your Honor.

15 THE COURT: Well, I don't -- I don't --  
16 I think the -- the Trustee can get the bank  
17 statements --

18 MR. DAHIYA: Yeah.

19 THE COURT: -- from the bank. But a  
20 Trustee -- it's a little harder to get tax  
21 returns, I think, on -- for somebody else from  
22 the I.R.S.

23 MR. BRUH: Sometimes it's hard --  
24 because -- for us to get it from the bank, as  
25 well. Because we're not the accountants.



1 MR. DAHIYA: It's going to cost him like  
2 -- sometimes they charge for a trans -- for a  
3 transcript. It's like twenty-five, fifty  
4 dollars. The bank's expensive.

5 THE COURT: Okay. I -- I -- I think  
6 that it's -- that -- I don't think that bank  
7 -- bank statements are something you can  
8 subpoena from a -- from the financial  
9 institution.

10 So let him get the transcripts. He has  
11 to --

12 MR. BRUH: But I'd like to know the  
13 efforts, your Honor. To fill out a petition  
14 and to say you have a bank account and you  
15 have certain money in it, you have to have a  
16 statement. What happened to those statements?  
17 He has to explain this to the Trustee.

18 MR. DAHIYA: He will explain.

19 THE COURT: Okay. And then we'll set at  
20 -- well, let -- how long -- how -- how much  
21 time do you need to provide this response?

22 MR. DAHIYA: Your Honor, give me -- I'm  
23 moving my office -- forgive me. I'm in the  
24 process of moving my office now. So, let's  
25 say twenty days, twenty-two days.

1 THE COURT: Twenty-two days is what you  
2 want?

3 MR. DAHIYA: Yeah, one month. Well,  
4 give it, what, thirty days?

5 MR. BRUH: Thirty days is fine, Judge.

6 MR. DAHIYA: Okay.

7 MR. BRUH: And then I --.

8 THE COURT: Okay. So then these -- a  
9 written response has to be provided by March  
10 14th.

11 MR. BRUH: Or the --.

12 THE COURT: When is the Debtor going to  
13 appear for his deposition?

14 MR. BRUH: What I'd like to do is, once  
15 I get the documents, to schedule the  
16 deposition. I think --

17 MR. DAHIYA: But you -- you -- the  
18 problem is not the depositions, your Honor.  
19 The problem is where the deposition's going to  
20 take place.

21 THE COURT: Oh, you -- what --

22 MR. DAHIYA: I was thinking --.

23 THE COURT: -- what's the problem with  
24 that?

25 MR. DAHIYA: No, we -- we will not -- I

1 will not be subjecting him in Mr. Geltzer's  
2 office. His office is like Hindu temple.

3 THE COURT: Okay. You know what, Mr. --

4 MR. DAHIYA: It's like pictures --

5 THE COURT: -- you know what, Mr.

6 Dahiya? You don't get to make that

7 determination. Mr. -- when --

8 MR. DAHIYA: But you make it, your  
9 Honor.

10 THE COURT: -- no. When -- when a -- a  
11 deposition is noticed by -- by an attorney, it  
12 is typically in the attorney's office. And  
13 there is no reason for it not to be unless the  
14 dep -- unless, for some reason, the Deponent  
15 is unable to travel --

16 MR. DAHIYA: I'll tell you what happened  
17 in the Court.

18 THE COURT: -- or there is some type of  
19 --

20 MR. DAHIYA: You --

21 THE COURT: -- in -- infirmity. But --  
22 or -- or some -- something of that nature.

23 MR. DAHIYA: -- your Honor,  
24 respectfully, please hear me.

25 THE COURT: But I see no -- I see no

1 reason to alter the usual rule in this case.

2 MR. DAHIYA: But --

3 THE COURT: Unless, of course, you need  
4 to have it here so that you can use a -- a  
5 translator, if we can make that service  
6 available to you.

7 MR. DAHIYA: -- we -- we -- we would  
8 like to do it in the courtroom. As many days  
9 as he wants. There's no problem. Please --.

10 THE COURT: Well, I'm not necessarily  
11 making my courtroom available to you. But --

12 MR. DAHIYA: The -- the -- the  
13 attorneys' room. That's fine.

14 THE COURT: Why do you want to do it in  
15 the attorneys' room?

16 MR. DAHIYA: Because that's a neutral  
17 place.

18 THE COURT: Any ob --

19 MR. DAHIYA: And it's neither his office  
20 nor my office.

21 THE COURT: -- any objection to that?

22 MR. BRUH: I do, your Honor. The -- the  
23 2004 was served. He didn't make any sort of  
24 motion. He didn't --

25 THE COURT: Okay. There's no --

1 MR. BRUH: -- make any objection.

2 THE COURT: -- there's no reason why --  
3 there's no reason why it shouldn't be in Mr.  
4 Geltzer's office.

5 MR. DAHIYA: I'm -- I'm telling you  
6 reason. If you give me one minute, your  
7 Honor. I, with Mr. -- another attorney, a  
8 colleague of mine -- and with my client and  
9 his sister, we go to his office --.

10 THE COURT: You know what? I --

11 MR. DAHIYA: No. As soon as he opens  
12 the door --.

13 THE COURT: -- you're going to -- you're  
14 going to tell me some story about something  
15 that happened in another case --

16 MR. DAHIYA: It's not a story, your  
17 Honor. He's so disrespectful. He's carrying  
18 the tape in his hand. He's opening the door.  
19 You are on tape now. So identify yourself.  
20 And then he's -- he's okay -- the client is  
21 okay with that.

22 But then he starts seeing the picture,  
23 he starts shivering. I said, what is  
24 happening? He said, is he government, you  
25 know. He -- he said something like this. He

1 -- he's a Chinese man who was the prosecutor  
2 there, he said. You can't put a man through  
3 that fear. There're famous cabinet  
4 politicians' pictures there. I've no problem.  
5 I'm a Republican. I don't care about anyone.

6 So why is -- it's -- it's the pictures  
7 there. And then he's -- he gets very scared.  
8 He says, you know what, I don't know what to  
9 do. Can we go before the Judge? I said, no,  
10 just relax. He starts shaking and I told them  
11 then -- I said, you know what, he needs a  
12 translator and this is scary. Because you  
13 can't put a man in fear. I have no --.

14 THE COURT: He's put in fear by what?

15 MR. DAHIYA: The pictures there.

16 THE COURT: By pictures that are on Mr.  
17 Geltzer's wall?

18 MR. DAHIYA: Yes. Yes, the wall is not  
19 a normal wall, your Honor. The wall is like a  
20 priest -- a God and goddess' pictures there.  
21 Of these other politicians.

22 THE COURT: Oh, please.

23 MR. DAHIYA: No, seriously. That's  
24 scary.

25 THE COURT: It's scary?

1 MR. DAHIYA: Yeah. It -- now it is.  
2 Anything that intimidates.

3 Neutrality, your Honor. It's very  
4 important. And then, on top of this, Mr.  
5 Geltzer, the way he talks. I don't want to  
6 talk about it. It's not done. It's not  
7 acceptable. There have been other cases where  
8 the attorneys have objected to his place.

9 THE COURT: Well, how about -- how about  
10 providing -- if you have some specific problem  
11 with some question that was asked and -- or by  
12 the way it was asked, why doesn't somebody  
13 come to me with a specific complaint instead  
14 of this general stuff?

15 MR. DAHIYA: I told him. I said, Mr.  
16 Geltzer, do me a favor. Put -- put a cloth on  
17 those pictures.

18 THE COURT: Oh, come on.

19 MR. DAHIYA: No. It -- your Honor, you  
20 understand --

21 THE COURT: That's the most -- that's  
22 the most absurd thing I've ever heard.

23 MR. DAHIYA: -- no, no. Your Honor, you  
24 -- you --

25 THE COURT: That because he has pictures

1 of -- of politicians in his office --

2 MR. DAHIYA: -- you're (unintelligible).  
3 That's not true. This man is a -- this man is  
4 a Chinese immigrant, a political asylee. He  
5 was not born and raised here in this country.  
6 The man is in fear. No, your Honor. Please  
7 understand the fine nuances of this immigrant.

8 I -- I sit -- I -- I know what they  
9 feel. I -- I'm a thick-skinned man. I'm  
10 different. I -- it doesn't affect me. But  
11 he's -- he's -- I think the nervousness, I  
12 feel. I seriously feel. I respectfully -- I  
13 told him, please have a different place then I  
14 will sit down with you. But not in his  
15 office. It's a --.

16 THE COURT: Okay. I'm not -- I -- I --  
17 I -- this is not something that I am prepared  
18 to entertain -- an objection based upon there  
19 being --.

20 MR. DAHIYA: Then he has a tape and it's  
21 always on -- that he switches a lot -- always  
22 on, that he deletes, it's on, it's on. That  
23 it's a --.

24 THE COURT: Well, if you want to take a  
25 deposition, you need to have a transcript of



1 it.

2 MR. BRUH: Yeah, we give an audio  
3 transcript, Judge. It runs. I don't know what  
4 Mr. Dahiya's --

5 MR. DAHIYA: No, he switches it off.

6 MR. BRUH: -- talking about. In fact,  
7 Mr. Dahiya, you spoke. I didn't interrupt.

8 MR. DAHIYA: I --

9 MR. BRUH: If I may now?

10 THE COURT: I think you need to have a  
11 -- you need to have a -- I don't know what  
12 -- understand this practice of you -- the  
13 Trustee making his own recordings.

14 MR. DAHIYA: Yes.

15 THE COURT: Isn't -- isn't that -- don't  
16 you -- if you want to use a transcript in any  
17 kind of a proceeding, don't you have to have  
18 it made by a court reporter?

19 MR. BRUH: Well, then we would submit  
20 the disc to a court reporter and they type it  
21 up.

22 MR. DAHIYA: What?

23 MR. BRUH: And --.

24 THE COURT: But how is there any -- any  
25 assurance that that is a complete

1 transcription of what was -- of what --  
2 whether -- of the proceedings?

3 MR. BRUH: I mean, we share it with the  
4 parties. I mean, that's what we do, Judge. I  
5 mean, it's the same thing. It's like a 2 -- a  
6 -- a 341 is taped by audio.

7 THE COURT: Right, but there's a --  
8 isn't the U.S. Trustee there?

9 MR. BRUH: No.

10 MR. DAHIYA: Then -- that's -- he's  
11 asking me, Mr. Dahiya, don't tape. I say  
12 you're taping. He said, this is my  
13 examination so I could tape it. I would want  
14 -- I'll go to his office. I'll carry a video  
15 -- we'll have a video deposition.

16 THE COURT: Well, I am not watch -- if  
17 you think I'm sitting and watching a video of  
18 the deposition, you're wrong.

19 MR. DAHIYA: No, but I will carry it --  
20 I am allowed in the Federal rules, your Honor.  
21 But 2004 is not a Federal Rules Civil  
22 Procedure. I understand. My concern is the  
23 several protections that you get under Federal  
24 Rules Civil Procedure that 2004 doesn't give  
25 you. I am -- these -- these -- these things

1 look small when we are talking about it now.  
2 You have to go and feel that. Feel of the  
3 walls there. They -- I --.

4 THE COURT: You're too sensitive, Mr.  
5 Dahiya.

6 MR. DAHIYA: No, I'm not, really. This  
7 is lovely. Unlike Mr. Bruh, I have no  
8 problem. I enjoy Mr. Geltzer's company.

9 THE COURT: All right. I -- I think  
10 we've tried -- we've had enough of this.

11 MR. DAHIYA: Okay.

12 THE COURT: I've had a -- this is  
13 enough. You're going to provide your response  
14 by March 14th. Mr. Bruh, you can schedule the  
15 deposition after that.

16 MR. BRUH: It's scheduled at our office,  
17 your Honor, like we always do.

18 THE COURT: And as far as this motion to  
19 dismiss is concerned --

20 MR. DAHIYA: We'll do the -- will you  
21 please carry it with you.

22 THE COURT: -- I'm going to mark this  
23 off because I think this is being -- going to  
24 be resolved by -- in the fashion that I --

25 MR. DAHIYA: Okay.

1 THE COURT: -- that I have indicated.

2 MR. DAHIYA: Thank you, your Honor.

3 That's fine.

4 THE COURT: Okay. So, do we need  
5 another date for the -- for the pre-trial  
6 conference?

7 MR. BRUH: Why don't we have the date  
8 after the March 14th date, your Honor?

9 THE COURT: Okay.

10 MR. BRUH: We can at least report to the  
11 Board.

12 THE COURT CLERK: March 21st.

13 THE COURT: How's March 21st?

14 THE COURT CLERK: At two-thirty.

15 THE COURT: At two-thirty?

16 MR. BRUH: Oh, that's fine.

17 THE COURT: Okay. Thank you.

18 MR. DAHIYA: Thank you, your Honor. And  
19 I'm sorry, your Honor, I was -- I was late.  
20 Thank you.

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CERTIFICATE

I certify that the foregoing is a correct transcript  
from the electronic sound recording of the proceedings in the  
above-entitled matter.



\_\_\_\_\_  
Judith Spriggs  
Transcriptionist

2 April, 2013  
Date

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